
Remarks

- 1) Applicant thanks the Examiner for his well considered office action and hopes that this response will further the understanding of applicant's invention.
- 2) Claims 1-8, 10-15, 17-21, and 23-29 stand rejected, and claims 9, 16, and 22 are objected to by the Examiner. Claims 1, 2, 10, 12, 13, 15, 17, 18, 20, 23-25, 27, and 29 are hereby amended. Claims 5-7 were cancelled. Claims 1-5 and 8-29 are pending in the application.
- 3) Regarding the objection to claims raised by the Examiner:
 - Claim 1 was amended – the word "close" in line 7 was changed to "closed".
 - Claim 5 was amended – the word "acts" was changed to "act".
 - Claims 6 and 7 – The word "Cumulative" was changed to "accumulative"
 - Claim 15 was amended. The words "the first" were replaced by "an", and the phrase "with a lateral protrusion and the second end of the rod is provided" were deleted. I
 - Claim 2 - The phrase "long as" was added after "at least as". As to the Examiner's comment on the possibility of the sealing device being longer than the opening, in order to avoid confusion the words "of the container" were added at the end of the claim after the words "the lateral opening".
- 4) In order to clarify some technical points required for successful sealing applicant respectfully would like to point out that in order for a sealing device to perform successfully it needs to conform with the following requirements:
 - It has to provide airtight sealing that is not sensitive to the production method (i.e. reliable).
 - It has to exhibit sealing strength – preventing the danger of the seal being inadvertently opened.
 - It preferably comprises a simple mechanism, which allows it to be operated by the user simply and fast, and to offer low manufacturing costs.

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- Most bags with sealing device for bags with wide opening present leaking problems at the area where the welded seams of the plastic sheets are in contact with the sealing device. The present invention provides a more reliable sealing, because of its rigidity.
 - The sealing device of the present invention leads the bag sheets through a labyrinth formed by the hollow member and the rod.
 - The present invention is based on the rigid characteristics of the hollow member and not on the number of folds or the press force applied by the lips of the hollow member on the plastic sheets of the bag.
 - The Horse-shoe shape of the hollow member is important, combined with the rigidity of the device. The rod is not forced into the hollow member through the slot but from the side, as required by Johnson's GB 2266 701 for example.
- 5) In the present invention the sealing of the bag is acquired when the recessed member is slid over the rod, or in the embodiment where the rod is integral to the hollow member, the entire space is occupied. The rims of the hollow member slot (and the void inside the hollow member) are kept at a distance that is slightly wider than twice the accumulative width of the container two sheets. The slightly wider spacing is required in order to allow the rod to be slidably inserted without excessive friction. Thus the present invention offers a simple solution that provides good sealing is acquired that is easily manufactured in mass production process of plastic injection.
- 6) The examiner rejected claims 1-4 and 10-15 under 35 U.S.C. §102(b) as being anticipated by UK application No. 2,266,701 to Johnson. Applicant respectfully traverses the Examiner's position, as the Johnson device provides for a recessed member that is pivotally operated, and is provided with a pivot block on one end and a latch block on the other end (page 16 lines 5-7). The portions adjacent the recess, in the recessed member, must be resilient so as to allow the additional member (the rod) to be forced into the recess. As it is forced in the sides of the recess give way and widen away allowing the rod to be inserted into the recess. The present invention allows more secured sealing, and a longer lasting solution, due to the fact that the
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hollow member is rigid, as clarified by the claim amendment. While Johnson discloses the option of using a rigid rod, applicant failed to find any teachings in Johnson for a rigid hollow member as having such would prevent the Johnson seal from operating properly. Thus, applicant respectfully submits the Johnson reference teaches away from the present invention, and should be removed, and that therefore the Examiner's rejection has been overcome.

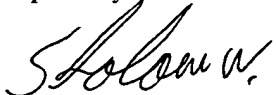
- 7) The Examiner further rejected claims 1, 5-8, a3 and 17 under 35 U.S.C. §103(a) as being unpatentable over either Ward et al (US 4,040,562) or Thatcher (US 5,941,640), in view of Johnson. Applicant respectfully traverses the Examiner's assertion that Johnson's sealing device is equivalent to the devices provided either by Thatcher or Ward. The Ward sealing device utilize multiple fold devices – the sealing effect is primarily attributed to multiple folds effected by a mechanical device that prevents their unfolding, and not by the mechanical device. The Johnson device on the other hand, provides a sealing effect by a rod forcefully and hingedly inserted into a recessed member. As discussed above, the recessed member in the Johnson device must have resilience to allow the forceful insertion of the rod. Therefore applicant submits that the combination of either the Ward device or the Thatcher device with the Johnson device is improper, and respectfully ask that the rejection be withdrawn.
- 8) Inasmuch as the Examiner might still consider the rejection of the claims based on the combination of the Johnson, Ward, and Thatcher references, applicant failed to find in any of the references teachings of a rigid hollow member. Since this limitation appears to be missing from all the references, applicant respectfully submits that the rejection is improper and request that the rejection be withdrawn.
- 9) Claims 20, 21, 23-26, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thatcher (US 5,941,640) , in view of Johnson (UK 2 266 701). The Examiner asserted that the Johnson sealing device is equivalent to the Thatcher device. For the reasons stated above, applicant respectfully submits that the Johnson and Thatcher references are not properly combinable, and respectfully request that the rejection be withdrawn.
- 10) Inasmuch as the Examiner might still consider the Johnson device applicable to the present invention, the applicant points the Examiner attention to the claimed

limitation requiring that the sealer be slidingly mountable over the rod. Johnson on the other hand provides for a hingedly mounted rod that is forced into the recessed member. Thus applicant respectfully submits that the Johnson reference teaches away from the present invention and should be removed.

- 11) The remaining claims depend from the claims applicant believes have been shown allowable in light of the amendments and remarks above. Applicant therefore submits that the remaining claims are also allowable.
- 12) Applicant has made a good faith effort to address each and every point made by the Examiner, and amended the claim and the specifications in order to place the application in condition for allowance. Should the Examiner find any deficiency in this amendment or in the application, or should the Examiner believe for any reason, that a conversation with applicant's agent may further the allowance and issuance of this application, the Examiner is kindly requested to contact Shalom Wertsberger at telephone (207) 799-9733.

In light of the showing and all other reasons stated above, applicant believes that the rejections and objections presented by the Examiner in the office action mailed to applicant January 31, 2003 were overcome. Applicant therefore submits that the claims as amended are in condition for allowance. Applicant therefore respectfully requests that the rejections and objections raised by the Examiner be reconsidered and withdrawn. Issue of a notice of allowance on all pending claims is respectfully solicited.

Respectfully submitted



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